

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IVAN GABRIEL ISLAS,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

CASE NO. 2:24-cv-00493-JHC

ORDER

Before the Court is pro se Plaintiff's Application for Court-Appointed Counsel. Dkt. # 7. For the reasons discussed below, the Court DENIES the motion.

Plaintiff appears to allege that he is or was a customer of Defendant Bank of America (BOA). Dkt. # 6 at 7-10. He asserts numerous claims against BOA, primarily sounding in fraud. *Id.* at 7. And he seeks \$100,000,000 in damages. *Id.* at 10. Plaintiff proceeds *in forma pauperis*. Dkt. # 5.

"In proceedings *in forma pauperis*, the district court 'may request an attorney to represent any person unable to afford counsel.'" *Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (quoting 28 U.S.C. § 1915(e)(1)). The appointment of counsel for a pro se litigant in a civil case "is a privilege and not a right." *United States ex rel. Gardner v.*

1 *Madden*, 352 F.2d 792, 793 (9th Cir. 1965). Deciding whether to appoint such counsel is within
2 “the sound discretion of the trial court and is granted only in exceptional
3 circumstances.” *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of
4 exceptional circumstances requires an evaluation of both the likelihood of success on the merits
5 and the ability of the plaintiff to articulate their claims pro se given the complexity of the legal
6 issues involved. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

7 This District has adopted a plan for recruiting counsel to represent indigent litigants *pro*
8 *bono*, but it only pertains to plaintiffs in “civil rights actions.” See W.D. Wash. General Order
9 16-20. Plaintiff says, “This action seeks relief under federal statutes protecting civil rights.”
10 Dkt. # 7 at 1. But this is not apparent from the face of his complaint. See Dkt. # 6. It looks
11 more like a consumer case. *Id.* Further, Plaintiff does not purport to present exceptional
12 circumstances. See Dkt. # 7. He neither shows a likelihood of success on the merits or an
13 inability to articulate his claims. See Dkt. ## 6, 7.

14 Given the above, the Court DENIES the motion.

15 Dated this 3rd day of May, 2024.

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18 John H. Chun
19 United States District Judge
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